

RECEIVED & INSPECTED

SEP 28 2005

FCC - MAILROOM

Give your phone a brain. 

FONALITY

Fonality

6133 Bristol Parkway

Suite 150

Culver City, CA 90230

EIN: 41-2128385

328 8/10/05

DOCKET FILE COPY ORIGINAL

Re: WC Docket No. 04-36 and 05-196 "Subscriber Notification Report"

Care of: Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554

Who we are: Fonality is an IP-PBX company with limited VoIP ability. Few customers (56 as of 8/25/2005) have elected to use our limited VoIP offering as a temporary back-up to either their PSTN or T1 PRI circuit. These 56 customers would seamlessly transfer to using our VoIP service if their PSTN or T1 PRI fails.

Some of our customers are also electing to use 3rd party VoIP providers. They in-turn elect to purchase analog card adapters, giving them the ability to use 3rd party VoIP, through an analog adapter (ATA) with our IP-PBX.

In the case of customers using Fonality VoIP, Fonality has done the following to comply with the VoIP E911 order:

1. FCC Public Notice Notes: Detailed description of all actions Fonality has taken to specifically advise every subscriber, prominently and in plain language, of the circumstances under which E911 service may not be available through the interconnected VoIP service and/or may be in some way limited by comparison to traditional E911 service. This information should include, but is not limited to, relevant dates and methods of contact with subscribers (i.e., e-mail, U. S. mail):
 - a. Fonality has issued an email to all existing VoIP customers (attachment "A") asking them to respond, and acknowledge, about the difference in our e911 service.
 - b. Fonality has US mailed warning labels and stickers—to affix to all VoIP customer phones (attachments "B" and "C").
 - c. We have set-up an email for all e911 questions and concerns:
e911compliance@fonality.com.
 - d. We have recorded an informational recording on Fonality's e911 service; where you can get more information on our e911 service and reference this number on all VoIP customer documentation, and all documentation to customers going forward: 310-861-4335.
 - e. We are now placing warning labels, with all phones shipped with our IP-PBX systems, whether a customer is a VoIP customer or not, letting them know about our e911 service (attachment "D").

No. of Copies rec'd 014
List ABCDE

6133 Bristol Parkway
Suite 150
Culver City, CA 90230
info@fonality.com



FONALITY

- f. We are accepting, logging, answering concerns, etc. of all VoIP customer communication regarding the VoIP e911 order and have them (the communications) available to reference for future use.
 - g. We already have a place, in each customer's web account, to add all of their customer information including contact numbers and address.
 - h. We have added the ability for each telecommuter customer to add in his address location for their respective extension.
 - i. We are in the process of interconnecting our VoIP service, to an e911 LEC. Thus, any Fonality VoIP customer, that is currently routing their call through our VoIP service, will be quickly routed to the e911 LEC. We will then pass along customer address information.
 - j. We are charging all of our VoIP customers a nominal fee to provide them with "mandatory" e911 service on their Fonality VoIP connection.
2. FCC Public Notice Notes: A quantification of how many of the provider's subscribers, on a percentage basis, have submitted an affirmative acknowledgement, as of the date of the report, and an estimation of the percentage of subscribers from whom Fonality does not expect to receive an acknowledgement by August 29, 2005:
 - a. We have a total of 56 VoIP customers, using the service as a back-up to their existing PSTN or T1 PRI out of a total of 321 which gives us a VoIP adoption rate of 17.4%. Of the 56 VoIP customers, 37 have responded as of 8/26/2005 giving us an acknowledge rate of 66%. I expect to receive a 100% acknowledgement as we will directly call each customer that hasn't responded by then.
3. FCC Public Notice Notes: A detailed description of whether and how the provider has distributed to all subscribers warning stickers or other appropriate labels warning subscribers if E911 service may be limited or not available and instructing the subscriber to place them on and/or near the customer premises equipment used in connection with the interconnected VoIP service. This information should include, but is not limited to, relevant dates and methods of contact with subscribers (i.e., e-mail, U. S. mail):
 - a. We emailed customers the already stated attachment on 8/25/2005.
 - b. We mailed customer stickers and warning labels the week of 8/22/2005.
4. FCC Public Notice Notes: A quantification of how many subscribers, on a percentage basis, to whom the provider did not send the advisory described in the first bullet above and/or to whom the provider did not send warning stickers or other appropriate label as identified in the bullet immediately above:
 - a. We sent all communications to all VoIP customers (56 customers); and, we expect to get acknowledgment from 100% of them by the deadline of 8/30/2005.
5. FCC Public Notice Notes: A detailed description of any and all actions the provider plans on taking towards any of its subscribers that do not affirmatively acknowledge having received

and understood the advisory, including, but not limited to, disconnecting the subscriber's VoIP service with the Company no later than August 30, 2005:

- a. We have only a few numbers of customers (19) that have yet to reply and acknowledge. We plan on proactively contacting them, and asking them to reply to the email that they acknowledge.
 - i. If they refuse, we will cut off their Fonality VoIP service, and they will continue to use their PSTN or T1 PRI.
6. FCC Public Notice Notes: A detailed description of how the provider is currently maintaining any acknowledgements received from its subscribers:
 - a. As mentioned above, we are logging all customer communications, acknowledgments, etc, through emails and a logging ticketing system that can be accessed at any time.
7. FCC Public Notice Notes: The name, title, address, phone number, and e-mail address of the person(s) responsible for the Company's compliance efforts with the VoIP E911 Order.
 - a. Responsible party is:
 - i. Marc Smookler; COO
 - ii. 6133 Bristol Parkway, Suite 150; Culver City, CA 90230
 - iii. 310-861-4300 x 7005
 - iv. msmookler@fonality.com

Fonality has done everything, to the best of its ability, to comply with the VoIP E911 order.

If you have any questions or comments, please feel free to contact me.

Kind regards.

Marc Smookler
Fonality COO

Fonality

6133 Bristol Parkway

Suite 150

Culver City, CA 90230

EIN: 41-2128385

RECEIVED & INSPECTED

SEP 28 2005

FCC - MAILROOM

Re: WC Docket No. 04-36 and 05-196 "Subscriber Acknowledgment Report"

Care of: Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554

Who we are: Fonality is an IP-PBX company with limited VoIP ability. Few customers (56 as of 8/25/2005) have elected to use our limited VoIP offering as a temporary back-up to either their PSTN or T1 PRI circuit. These 56 customers would seamlessly transfer to using our VoIP service if their PSTN or T1 PRI fails.

Some of our customers are also electing to use 3rd party VoIP providers. They in-turn elect to purchase analog card adapters, giving them the ability to use 3rd party VoIP, through an analog adapter (ATA) with our IP-PBX.

In the case of customers using Fonality VoIP, Fonality has done the following to comply with the VoIP E911 order:

1. A detailed explanation regarding current compliance with the notice and warning sticker requirements if the provider did not notify and issue warning stickers or labels to 100% of its subscribers by the July 29, 2005 deadline. Providers expected to update this information include those that were in the process of providing notice and/or stickers to their subscribers, but had not completed the process by July 29, 2005:
 - a. Fonality has US mailed warning labels and stickers—to affix to all VoIP customer phones (attachments "B" and "C").
 - b. Any PBX systems that are sold going forward are pre-affixed with the stickers
2. A quantification of the percentage of the provider's subscribers that have submitted affirmative acknowledgements as of the date of the September 1 and September 22 reports, and an estimation of the percentage of subscribers from whom the provider does not expect to receive an acknowledgement by September 28, 2005:
 - a. We have a total of 55 VoIP customers, using the service as a back-up to their existing PSTN or T1 PRI out of a total of 321 which gives us a VoIP adoption rate of 17.4%. Of the 55 VoIP customers, 55 have responded as of 9/27/2005 giving us an acknowledge rate of 100%. Therefore, no customers will be cut-off from VoIP service due to the e911 mandate.

3. A detailed description of any and all actions the provider plans to take towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory:
 - a. This does not apply to us since we have 100% compliance.
4. A detailed description of any and all plans to use a "soft" or "warm" disconnect (or similar) procedure for subscribers that fail to provide an affirmative acknowledgement by September 28, 2005. The Bureau notes that in their August 10, 2005 reports some providers, such as Telephone, Inc. and Broadview Networks, Inc., state that they will use a "soft" disconnect procedure to disconnect those subscribers that ultimately do not acknowledge having received and understood the customer advisory. As the Bureau understands it, the soft disconnect procedure will either disallow all non-911 calls or intercept and send those calls to the provider's customer service department. Under this "soft" disconnect procedure, however, calls to 911 will continue to go to the appropriate Public Safety Answering Point (PSAP). A provider's September 1 and September 22 reports must include either a statement that the provider will use a "soft" or "warm" disconnect (or similar) solution as of September 28, 2005, or a detailed explanation of why it is not feasible for the provider to use a "soft" or "warm" disconnect solution, as described above.
 - a. Again, we have 100% compliance from the few VoIP customers that we have. We are averaging only 2 new VoIP accounts per month; and, I do not see this increasing much within the near future.


Fonality has done everything, to the best of its ability, to comply with the VoIP E911 order.

Please reference the attached document and accompanying attachments for the previous letter that was mailed in.

If you have any questions or comments, please feel free to contact me.

Kind regards.

Marc Smookler
Fonality COO



9/21/05

Fonality

6133 Bristol Parkway

Suite 150

Culver City, CA 90230

EIN: 41-2128385

RECEIVED & INSPECTED

SEP 28 2005

FCC - MAILROOM

Re: WC Docket No. 04-36 and 05-196 "Subscriber Acknowledgment Report"

Care of: Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554

Who we are: Fonality is an IP-PBX company with limited VoIP ability. Few customers (56 as of 8/25/2005) have elected to use our limited VoIP offering as a temporary back-up to either their PSTN or T1 PRI circuit. These 56 customers would seamlessly transfer to using our VoIP service if their PSTN or T1 PRI fails.

Some of our customers are also electing to use 3rd party VoIP providers. They in-turn elect to purchase analog card adapters, giving them the ability to use 3rd party VoIP, through an analog adapter (ATA) with our IP-PBX.

In the case of customers using Fonality VoIP, Fonality has done the following to comply with the VoIP E911 order:

1. A detailed explanation regarding current compliance with the notice and warning sticker requirements if the provider did not notify and issue warning stickers or labels to 100% of its subscribers by the July 29, 2005 deadline. Providers expected to update this information include those that were in the process of providing notice and/or stickers to their subscribers, but had not completed the process by July 29, 2005:
 - a. Fonality has US mailed warning labels and stickers—to affix to all VoIP customer phones (attachments "B" and "C").
 - b. Any PBX systems that are sold going forward are pre-affixed with the stickers
2. A quantification of the percentage of the provider's subscribers that have submitted affirmative acknowledgements as of the date of the September 1 and September 22 reports, and an estimation of the percentage of subscribers from whom the provider does not expect to receive an acknowledgement by September 28, 2005:
 - a. We have a total of 55 VoIP customers, using the service as a back-up to their existing PSTN or T1 PRI out of a total of 321 which gives us a VoIP adoption rate of 17.4%. Of the 55 VoIP customers, 55 have responded as of 9/27/2005 giving us an acknowledge rate of 100%. Therefore, no customers will be cut-off from VoIP service due to the e911 mandate.

3. A detailed description of any and all actions the provider plans to take towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory:
 - a. This does not apply to us since we have 100% compliance.
4. A detailed description of any and all plans to use a "soft" or "warm" disconnect (or similar) procedure for subscribers that fail to provide an affirmative acknowledgement by September 28, 2005. The Bureau notes that in their August 10, 2005 reports some providers, such as Telephone, Inc. and Broadview Networks, Inc., state that they will use a "soft" disconnect procedure to disconnect those subscribers that ultimately do not acknowledge having received and understood the customer advisory. As the Bureau understands it, the soft disconnect procedure will either disallow all non-911 calls or intercept and send those calls to the provider's customer service department. Under this "soft" disconnect procedure, however, calls to 911 will continue to go to the appropriate Public Safety Answering Point (PSAP). A provider's September 1 and September 22 reports must include either a statement that the provider will use a "soft" or "warm" disconnect (or similar) solution as of September 28, 2005, or a detailed explanation of why it is not feasible for the provider to use a "soft" or "warm" disconnect solution, as described above.
 - a. Again, we have 100% compliance from the few VoIP customers that we have. We are averaging only 2 new VoIP accounts per month; and, I do not see this increasing much within the near future.

Fonality has done everything, to the best of its ability, to comply with the VoIP E911 order.

Please reference the attached document and accompanying attachments for the previous letter that was mailed in.

If you have any questions or comments, please feel free to contact me.

Kind regards.

Marc Smookler

Fonality COO



Fonality

6133 Bristol Parkway

Suite 150

Culver City, CA 90230

EIN: 41-2128385

Re: WC Docket No. 04-36 and 05-196 "Subscriber Acknowledgment Report"

Care of: Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554

Who we are: Fonality is an IP-PBX company with limited VoIP ability. Few customers (56 as of 8/25/2005) have elected to use our limited VoIP offering as a temporary back-up to either their PSTN or T1 PRI circuit. These 56 customers would seamlessly transfer to using our VoIP service if their PSTN or T1 PRI fails.

Some of our customers are also electing to use 3rd party VoIP providers. They in-turn elect to purchase analog card adapters, giving them the ability to use 3rd party VoIP, through an analog adapter (ATA) with our IP-PBX.

In the case of customers using Fonality VoIP, Fonality has done the following to comply with the VoIP E911 order:

1. A detailed explanation regarding current compliance with the notice and warning sticker requirements if the provider did not notify and issue warning stickers or labels to 100% of its subscribers by the July 29, 2005 deadline. Providers expected to update this information include those that were in the process of providing notice and/or stickers to their subscribers, but had not completed the process by July 29, 2005:
 - a. Fonality has US mailed warning labels and stickers—to affix to all VoIP customer phones (attachments "B" and "C").
 - b. Any PBX systems that are sold going forward are pre-affixed with the stickers
2. A quantification of the percentage of the provider's subscribers that have submitted affirmative acknowledgements as of the date of the September 1 and September 22 reports, and an estimation of the percentage of subscribers from whom the provider does not expect to receive an acknowledgement by September 28, 2005:
 - a. We have a total of 55 VoIP customers, using the service as a back-up to their existing PSTN or T1 PRI out of a total of 321 which gives us a VoIP adoption rate of 17.4%. Of the 55 VoIP customers, 55 have responded as of 9/27/2005 giving us an acknowledge rate of 100%. Therefore, no customers will be cut-off from VoIP service due to the e911 mandate.

3. A detailed description of any and all actions the provider plans to take towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory:
 - a. This does not apply to us since we have 100% compliance.
4. A detailed description of any and all plans to use a "soft" or "warm" disconnect (or similar) procedure for subscribers that fail to provide an affirmative acknowledgement by September 28, 2005. The Bureau notes that in their August 10, 2005 reports some providers, such as Telephone, Inc. and Broadview Networks, Inc., state that they will use a "soft" disconnect procedure to disconnect those subscribers that ultimately do not acknowledge having received and understood the customer advisory. As the Bureau understands it, the soft disconnect procedure will either disallow all non-911 calls or intercept and send those calls to the provider's customer service department. Under this "soft" disconnect procedure, however, calls to 911 will continue to go to the appropriate Public Safety Answering Point (PSAP). A provider's September 1 and September 22 reports must include either a statement that the provider will use a "soft" or "warm" disconnect (or similar) solution as of September 28, 2005, or a detailed explanation of why it is not feasible for the provider to use a "soft" or "warm" disconnect solution, as described above.
 - a. Again, we have 100% compliance from the few VoIP customers that we have. We are averaging only 2 new VoIP accounts per month; and, I do not see this increasing much within the near future.

Fonality has done everything, to the best of its ability, to comply with the VoIP E911 order.

Please reference the attached document and accompanying attachments for the previous letter that was mailed in.

If you have any questions or comments, please feel free to contact me.

Kind regards.

Marc Smookler

Fonality COO

Fonality

6133 Bristol Parkway

Suite 150

Culver City, CA 90230

EIN: 41-2128385

Re: WC Docket No. 04-36 and 05-196 "Subscriber Acknowledgment Report"

Care of: Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554

Who we are: Fonality is an IP-PBX company with limited VoIP ability. Few customers (56 as of 8/25/2005) have elected to use our limited VoIP offering as a temporary back-up to either their PSTN or T1 PRI circuit. These 56 customers would seamlessly transfer to using our VoIP service if their PSTN or T1 PRI fails.

Some of our customers are also electing to use 3rd party VoIP providers. They in-turn elect to purchase analog card adapters, giving them the ability to use 3rd party VoIP, through an analog adapter (ATA) with our IP-PBX.

In the case of customers using Fonality VoIP, Fonality has done the following to comply with the VoIP E911 order:

1. A detailed explanation regarding current compliance with the notice and warning sticker requirements if the provider did not notify and issue warning stickers or labels to 100% of its subscribers by the July 29, 2005 deadline. Providers expected to update this information include those that were in the process of providing notice and/or stickers to their subscribers, but had not completed the process by July 29, 2005:
 - a. Fonality has US mailed warning labels and stickers—to affix to all VoIP customer phones (attachments "B" and "C").
 - b. Any PBX systems that are sold going forward are pre-affixed with the stickers
2. A quantification of the percentage of the provider's subscribers that have submitted affirmative acknowledgements as of the date of the September 1 and September 22 reports, and an estimation of the percentage of subscribers from whom the provider does not expect to receive an acknowledgement by September 28, 2005:
 - a. We have a total of 55 VoIP customers, using the service as a back-up to their existing PSTN or T1 PRI out of a total of 321 which gives us a VoIP adoption rate of 17.4%. Of the 55 VoIP customers, 55 have responded as of 9/27/2005 giving us an acknowledge rate of 100%. Therefore, no customers will be cut-off from VoIP service due to the e911 mandate.

3. A detailed description of any and all actions the provider plans to take towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory:
 - a. This does not apply to us since we have 100% compliance.
4. A detailed description of any and all plans to use a "soft" or "warm" disconnect (or similar) procedure for subscribers that fail to provide an affirmative acknowledgement by September 28, 2005. The Bureau notes that in their August 10, 2005 reports some providers, such as Telephone, Inc. and Broadview Networks, Inc., state that they will use a "soft" disconnect procedure to disconnect those subscribers that ultimately do not acknowledge having received and understood the customer advisory. As the Bureau understands it, the soft disconnect procedure will either disallow all non-911 calls or intercept and send those calls to the provider's customer service department. Under this "soft" disconnect procedure, however, calls to 911 will continue to go to the appropriate Public Safety Answering Point (PSAP). A provider's September 1 and September 22 reports must include either a statement that the provider will use a "soft" or "warm" disconnect (or similar) solution as of September 28, 2005, or a detailed explanation of why it is not feasible for the provider to use a "soft" or "warm" disconnect solution, as described above.
 - a. Again, we have 100% compliance from the few VoIP customers that we have. We are averaging only 2 new VoIP accounts per month; and, I do not see this increasing much within the near future.

Fonality has done everything, to the best of its ability, to comply with the VoIP E911 order.

Please reference the attached document and accompanying attachments for the previous letter that was mailed in.

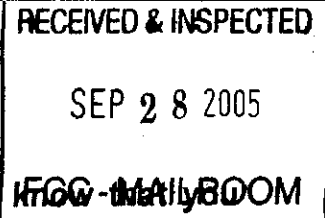
If you have any questions or comments, please feel free to contact me.

Kind regards.

Marc Smookler

Fonality COO

A



You must reply to this email by August 23rd, 2005, letting us know that you acknowledge and understand the following. Failure to do so will result in termination of your Fonality VoIP service:

About Fonality Enhanced 911 Service

Over the past few decades, public safety agencies throughout the country have invested hundreds of millions of dollars upgrading their 911 systems to Enhanced 911 (E911).

E911 service delivers address-specific (versus phone number-only) call-back information to public service answering points (PSAPs) whenever someone makes an emergency call. This enables emergency personnel to be dispatched to the scene even if the caller is unable to speak or if the call is suddenly disconnected.

Fonality is proud to offer this service to our VoIP customers.

Since Fonality E911 calls are routed as emergency traffic, callers should expect to receive the same response from emergency personnel that they would receive from traditional 911 services, subject to the capabilities of the local PSAP. Fonality's E911 service eliminates the need for operators to ask Fonality callers their location, which could be vital in cases where the caller may not be able to verbally communicate.

The FCC Mandate

On June 3rd, 2005, the Federal Communications Commission (FCC) mandated that all Internet phone service providers interconnected to the public switched telephone network offer E911 as a standard element of their residential and business offerings. Fonality will be adding this mandatory service to all of our VoIP customers for a nominal monthly fee of \$2.99 for the main office location (location of the PBXtra server), and \$2.99 for each telecommuter location. Failure to list all telecommuters will result in a non-working extension.

Fonality will be compliant by the FCC's mandated date of August 30th, 2005, and the billing of E911 will start before then.

The FCC has also required Internet phone service providers to inform subscribers that, under certain circumstances, when 911 is dialed from a phone connected to an Internet phone service, E911 service may not be available, or the E911 service may be in some way be limited by comparison to traditional E911 service. These circumstances include:

1. When the location of your PBXtra server is at a physical address other than the one you listed when you activated your account. Please take the time to verify the correct address of your PBXtra server by going into your admin control panel, browsing to "Options" tab, and clicking on "customer". Changes will not apply until you have pressed "Apply All Changes".
2. When the location of any IP phone(s) or any softphone(s) is at a physical address other than the address of its associated PBXtra server. Please take the time to verify the correct address for each of your telecommuter extensions (IP phone and softphone) by going into your admin control panel, browsing to "Extensions" tab, and clicking on each telecommuter's extension. Changes will not be applied until you have pressed "Apply All Changes". Note: extension owners can also update their address anytime by going to their user control panel and clicking on the "Options" tab.
3. When your PBXtra server, IP phone(s), or softphone(s) fail or is not configured properly.
4. When there is an electrical power outage, service outage or suspension/disconnection of Fonality VoIP service at either the physical location of your PBXtra server or the physical

location of any of your telecommuter phones (IP or softphones).

5. When the local PSAP receiving Fonality E911 emergency service calls does not have a system configured for E911 services that enables the operator to capture and/or retain automatic number or location information.
6. When your local phone company does not allow external access to its E911 services for your area.
7. When due to technical factors in network design and/or in the event of network congestion on the Fonality network, a Fonality E911 call may produce a busy signal or experience unexpected answering wait times and/or take longer to answer than 911 calls placed via traditional telephone networks.
8. When the Broadband connection at the physical location of your PBXtra server or the Broadband connection at the physical location of any of your telecommuter phones (IP or soft) fails, experiences congestion, or is misconfigured.

Fonality is committed to meeting the needs of our subscribers for E911 as well as the FCC's requirements with the same diligence and seriousness with which we have always approached this important telecommunications issue.

Again, if you fail to reply to this email, or simply send us an email to e911compliance@fonality.com within the next week, we will be forced to terminate your VoIP service.

If you have any questions or comments, please contact us at e911compliance@fonality.com.

Thanks for your continued support!

The Fonality Team